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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,259	01/22/2004	Liang-Ji Chen	MR2511-115	2571

4586 7590 12/13/2005

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ELLICOTT CITY, MD 21043

EXAMINER

JOHNSON, JERROLD D

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/761,259

Applicant(s)

CHEN, LIANG-JI

Examiner

Jerrold Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 requires some amending so that the orientations of the magnets with respect to each other is clearly set forth. Currently the claim recites "the magnetic article in the container being the same as the downward pole of each magnetic article in said memo block base." This recitation requires clarity.

Claim 7, "at the best" is indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuchs US 3,953,090 in view of Lin US 6,098,794.

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Re claim 1, Fuchs discloses a memo block base 9, a container 1 for holding the memo block base 9 therein. The memo block base 9 is suspended above the inner bottom of the container through the use of a spring 8.

Fuchs does not disclose opposed magnets in the memo block base and the container inner bottom.

Lin discloses a base 21 which is suspended above an inner bottom 12 through the use of opposed magnets 13.

Additionally, the following references all disclose the interchangeability of springs and magnets in mechanical design:

US 20050242134, paragraph 8;

US 20020078804, paragraph 12;

US 6524506, col. 3, line 33;

US 6065889, col. 6, line 9;

US 5074189, col. 2, last line;

US 3720104, see the Abstract.

Each of these references provide extrinsic evidence of the interchangeability of springs and magnets.

Accordingly, it would have been obvious to one of ordinary skill in the art to modify the device of Fuchs with the teaching of Lin so as to provide a distinctiveness attractiveness to the device while maintaining the functionality of the device.

Re claim 2, the memo block base is placed at the bottom of a memo block.

Re claim 3, note position-fixing members 18 and 19.

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Re claim 4, note grooves 18 and 19 on the memo block base. Reversing the parts to place the grooves on the flanged portions (side walls) of the container instead of on the memo block base would be an obvious modification.

Re claim 6, note that the positioning portion 13 and 14 are at the top ends of the side walls of the container opposite each other.

Re claim 7, the magnets of Lin have "strong" magnetism.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fuchs US 3,953,090 in view of Lin US 6,098,794, and further in view of Shapira US 3,425,595.

Fuchs does not disclose the rear opening or the through holes.

Shapira in Fig. 3 shows the rear opening and through holes 9 for a positioning article to penetrate through.

Accordingly, it would have been obvious to one of ordinary skill in the art to modify the container of Fuchs with the rear opening and through holes of Shapira so as to facilitate the replacement of memo blocks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerrold Johnson whose telephone number is 571-272-7141. The examiner can normally be reached on 9:30 to 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDJ



Mickey Yu
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Group 3700